preserve

App. F IX-4

Previous References

1927-8 (abc) SSLC "Preserved"

File No. 151-27

Serial Nos. 4

Later References

WB SSLC

General and Revenue Secretariat.

Serial Nos

Part B for Jan 28

SUBJECT

Duties & powers of President & Members in Bangalore city

It is undesirable to issue any orders in the matter as the Regulation is explicit

dtd 25/2/28

35-792

App. F III-21

General and Revenue Secretariat

File No 1121 of 192

Serial No

Duties and Powers of President and Municipal Commissioner in Bangalore City

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At the meeting held on the 30th January 1928 in the Dewan's Chambers, the question of the relative powers of the President and Commissioner was generally discussed The Law Secretary explained that under the --- Regulation, the President has no executive powers at all except in regard to the conduct of meetings Some of the Municipal Councillors present were of opinion that Government should issue an order on the -- subject It seems to me that the position being sufficiently clear, there is no need at present for the Government to issue any instructions in the matter A vigilant Commissioner can always look after himself and it would be inexpedient for Government to interfere unless any occasion arises for doing so

OFFICE OF THE Town Memds of Council
2 FEB. 1928
No. 287

DEWAN'S OFFICE
Received on
3 FEB. 1928
Regd No. 4919

Hon'ble Member

2/2

Dewan

I agree in the above views It is undesirable for Govt to issue any orders on a matter in respect of which the provisions of the Regn are explicit

3/2/28

NOTE—Contn sheet

2-28

3

CITY MUNICIPAL OFFICE
BANGALORE

28th [illegible] 1924

Dear Sir,

I enclose for the information of the Dewan Saheb the accompanying papers relating to the powers and the duties of the Municipal President and other Municipal Officers in Madras and Mysore

Yours sincerely,
K Srinivasa Rao

M S Ramachandra Rao, Esq, B
Private Secretary to the Dewan of Mysore,
Bangalore.

It will be seen from the appended statements (shewing in juxta position) that the duties and powers of the Municipal President, Municipal Commissioner and Municipal Councillors in Madras and Bangalore City Municipalities are identical. I may also state that I had the advantage of exchanging views at Madras with two Ex-Presidents and a Deputy Municipal Commissioner of Bombay Corporation. I had also met and discussed about Municipal affairs in general with the President and the Commissioner of Madras Corporation. The underlying principle governing the Municipal Administration in Madras and Bombay is to the effect that the Council lays down the policy of the Municipality. All matters affecting this general policy should be discussed in the fullest and most open way by the Councillors in meetings. The ~~experienced~~ informed opinion of the majority of Councillors should be carried out by the Municipal Commissioner as the head of the Executive, unless it actually encroaches on the statutory powers and duties vested in the Commissioner. The responsibility for choosing the methods by which and consulting the agents by whom the orders of the Council should be carried out into effect rests with the Commissioner only. The President and Councillors therefore, whether as a body or as individuals, should abstain from interfering directly with the working of the Municipal staff nor have they

any authority to give orders to the Municipal staff.

2. As a rule, the Presidents in Madras and Bombay discourage the addressing of petitions to them on the ground that the receipt and disposal of petitions comes under the executive functions of the Municipal Commissioner. The petitions received by them, if any, are returned by them to parties with an intimation that they may be addressed to the Chief Executive Authority.

3. In Madras, Council and Committee cases are worked up in the Commissioner's Office and placed before the Council. The Commissioner takes all responsibility for facts and statements contained in the records This was also the practice in Bangalore City Municipality till recently. In Bombay, the Corporation President and the Council, have a Secretary attached to them for Council work

4. Though I had the advantage of discussing Calcutta Corporation affairs with 2 Commissioners who had come to Madras, I find that the Corporation Laws in Calcutta materially differ from those of Madras, Bombay and Mysore. Hence I have not referred to Calcutta System in this Note.

Municipal Commissioner.

Powers and duties of the Municipal President, Madras Corporation and of the Municipal President, Bangalore City Municipality.

Madras Corporation.	Bangalore City Municipality.
1. The President has full access to all the records of the Corporation and he has the right of deciding appeals made by Individual Councillors against the action of the Municipal Commissioner, when after having had due notice he has forbidden them for reasons given in writing from having access to the records of the Corporation.	1. Every Councillor shall have access to the records of the Municipal Council after giving due notice to the President or the Municipal Commissioner as the case may be, provided that the President or the Commissioner may for reasons given in writing forbid such access. The Councillor may in the case of City Municipal Council's appeal against such order of the Commissioner to the President whose decision shall be final. (Vide Sec. 26 B. Cl. (3))
2. All official correspondence between the Municipal Commissioner and Government and Vice versa, shall pass through the President	2. No official correspondence between a City Municipal Council and the Government shall be conducted except through the President. The President shall be bound to transmit communications addressed through him by the Commissioner to the Government or by the Government to the Commissioner. (Vide Sec. 24 A.)
3. The President is a member of every standing Committee.	3. The President or a Vice-President, if appointed a member of any Committee, shall be ex-officio chairman. (Vide Sec. 33 Cl (1))

any authority to give orders to the Municipal staff.

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Municipal Commissioner.

RM

Powers and duties of the Municipal President, Madras Corporation and of the Municipal President, Bangalore City Municipality.

Madras Corporation.	Bangalore City Municipality
1. The President has full access to all the records of the Corporation and he has the right of deciding appeals made by Individual Councillors against the action of the Municipal Commissioner, when after having had due notice he has forbidden them for reasons given in writing from having access to the records of the Corporation.	1. Every Councillor shall have access to the records of the Municipal Council after giving due notice to the President or the Municipal Commissioner as the case may be, provided that the President or the Commissioner may for reasons given in writing forbid such access. The Councillor may in the case of City Municipal Council's appeal against such order of the Commissioner to the President whose decision shall be final. (Vide Sec. 26 B Cl. (3))
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3. The President is a member of every standing Committee.	3. The President or a Vice-President, if appointed a member of any Committee, shall be ex-officio chairman. (Vide Sec. 33 Cl (1))

Madras Corporation.	Bangalore City Municipality.
4. The President presides over Council meetings and conducts the proceedings of the Council as per Schedule II of the Madras City Municipal Act IV of 1919.	4. It shall be the duty of the President of a Municipal Council to preside, unless prevented by reasonable cause, at all meetings of the Municipal Council, and, subject to the provisions of the rules for the time being in force under clause (a) of Section 46, to regulate the conduct of business at such meetings. (Vide Sec. 24 (1) (a))
5. The President does not get any allowance, remuneration or honorarium. A motor car maintained by the Corporation is sent to him for attending Council and Committee meetings and whenever he goes to the Municipal Office, (Rippon Buildings) to attend to appeals.	5. Government Order No. L. 2481-92/Ml. 73-24-2 dated 20th September 1924 empowers the Municipal Council to fix the Conveyance allowance with the approval of Government.
6. The President does not exercise any Executive powers under the Madras City Act.	6. The Executive functions in the Bangalore City Municipality devolve on the Municipal Commissioner under proviso to Section 24 (1) (a). (Provided that in a Municipality for which there is a Municipal Commissioner, the duties and powers of the President under clauses (b), (c) and (d) of this sub Section shall, subject to the provision of this Regulation and save where it is otherwise expressly provided in this Regulation, be performed and exercised by such Municipal Commissioner.)

Powers and duties of the Municipal Commissioner, Madras Corporation and of Bangalore ty Muni

Madras Corporation	Bangalore City Municipality
1 Executive functions and control over subordinates are vested in the Commissioner 4	1 Financial and executive administration of the Municipality and -- control over the acts and proceedings of all officers and servants of the Municipal Council (Vide Sections 24 (1) Clauses, (b), (c) (d) and Chapter XI II A of the Municipal Regulation)
2 The Commissioner may attend Corporation meetings and standing Committee meetings and take pr part in discussions without claiming a vote.	2 (1) A Municipal Commissioner shall have the same right of being present at a meeting of the Municipal Council or the Managing or other Committee and of taking part in the discussions thereof as a Councillor and with the consent of a majority of the Councillors present, ascertained by a show of hands without discussion may at any time make a statement or explanation of facts, but he shall not be at liberty to vote upon, or to make any proposition at such meeting (2) The Municipal Commissioner shall attend any meeting of the -- Municipal Council or of the Managing or other Committee if required to do so by the President (Vide Section 26 A)

Powers and duties of the Municipal Individual Municipal Councillors in Madras and Bangalore City.

Madras Corporation.

1. Any Councillor may call attention of the proper authority to any neglect in the execution of Municipal work, to waste any/kind of Municipal property or in the works of any locality and may suggest any improvements which he considers desirable.

2. Every Councillor has the right to interpellate the President on matters connected with the Municipal Service administration subject to such Regulations as may be framed by the Council.

3. Every Councill can have access to the records of the Corporation during office hours after giving due notice to the Commissioner and when the Commissioner forbids such access for reasons given in writing, he has the right to appeal to the President.

Bangalore City Municipality.

Same as in Madras.

(Vide Section 36 B. Clauses (1), (2) and (3).)

L 2465

G.R.S III—5.

Routine Notes. 10 DEC 1928

[illegible] forms, requisitions, etc. are intended for [illegible]

D O. B. 50/28 29

CITY MUNICIPAL OFFICE,
BANGALORE.
Dated 10th Dear. 192

Dear Mr. Madhava Rao.

You were good enough to tell me that certain rules relating to the powers of the President had been framed about 1911 or 1912. A copy of it is not available in the office. I shall thank you if you can kindly send me a copy of it. What about Acquisition powers to the President please?

Yours sincerely.

C. Muddiah

K. Madhava Rao, Esq, B.A., B.L.,
Chief Secretary to the Government of
His Highness the Maharaja of Mysore,
Bangalore.

[illegible]

10 DEC

[illegible]

10 DEC 1928

G R.S 1...—o]

Routine Notes.

[To be used only for notes, requisitions. etc., not intended permanent

N B —Should routine notes be written on small ips the notes must be copied or slips pasted on this form.

4 Dec 21
Encl 2 books

Dear Mr Rachna

With reference to your
Letter No 50/28-27 of the
10th Dec 1928 about the powers
of the President ~~[illegible]~~ including
Land Acquisition Cases.
I am directed to state that in
addition to the powers specified
under Sec 24 of the Bye-laws
he has left the several powers
conferred on him under the
several rules and bye-laws
issued by the Board. Of which
a Copy is enclosed herewith
In this connection, I am to
send for your information
a Copy of the Financial
Manual issued by the Bombay
City Municipal Corporation
~~[illegible]~~. Part I of which defines
the ~~[illegible]~~ powers & duties
of the several Municipal officers
& servants.

As regards Acquisition
Cases, a Notification will issue
conferring the powers which are

without receipt of the Mint Charge
on the Mint Bullion. and I am not in
regard to the Case already sent up. You can
set forth the Presidents power
to receive the Money.

Yours truly

Chas Leg Supt

15/12